

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 2084CV00088

ALMA BAIR, PLAINTIFF(S),

v.

JetBlue Airways Corp. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO JetBlue Airways Corporation (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the \_\_\_\_\_ Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your signed original response with the Clerk's Office for Civil Business, \_\_\_\_\_ Court, \_\_\_\_\_ (address), by mail or in person, AND
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: \_\_\_\_\_
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at [www.mass.gov/courts/case-legal-res/rules-of-court](http://www.mass.gov/courts/case-legal-res/rules-of-court).

*Joseph P. Casey*

A true copy Attest.

Deputy Sheriff Suffolk County

2-28-20

- Witness Hon. Judith Fabricant, Chief Justice on \_\_\_\_\_, 20\_\_\_\_

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5)):

Signature: \_\_\_\_\_

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX — BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

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MASSACHUSETTS TRIAL COURT DEPARTMENT

SUFFOLK SUPERIOR COURT

RECEIVED

JAN 10 2020

Alma Bair

Plaintiff

Vs.

Jetblue Airways Corporation

Civil case #  
SUPERIOR COURT-CIVIL  
MICHAEL JOSEPH DONOVAN  
CLERK/MAGISTRATE

Jury trial requested

2084CV00088

**COMPLAINT FOR NEGLIGENCE RESULTING IN PERSONAL INJURY TO**  
**ALMA BAIR**

Plaintiff, Alma Bair, (hereinafter "Plaintiff") through her attorney, S. Liliana Mangiafico, demands damages from the Defendant, Jetblue Airways Corporation (hereinafter "Defendants") and in support thereof states as follows:

1. "Plaintiff", is an adult resident of the State of Colorado. Plaintiff was a Massachusetts resident of Massachusetts on October 25, 2018.
2. Defendant is a corporation doing business in Massachusetts, operating flights between Boston's Logan Airport and other national and international destinations;
3. Plaintiff was a passenger on a defendant's owned and operated aircraft in a flight between Boston and Las Vegas on October 25, 2018;
4. Plaintiff was injured on board of the aircraft while aircraft was at the gate at Boston Logan Airport. The aircraft owned, operated and under the control of the defendant. Plaintiff was injured while seating as instructed by defendant's employees and as the result of a heavy suitcase falling on top of her head and shoulder during the process of embarkation;

5. As a result of the defendant's negligence, the plaintiff, sustained a head injury, a back injury, eye sight alterations, a right shoulder injury and neck strain that required the plaintiff to seek emergency care upon her arrival to Las Vegas;
6. Plaintiff was in severe pain and fear for over a year after this incident and required several months of medical care to alleviate her pain, which substantially altered her routine, impacted her business and life as she knew it.
7. Solely as a result of the injuries aforementioned, the Plaintiff incurred damages, including :
  - a. Medical expenses
  - b. Business revenue losses
  - c. Pain and suffering: The Plaintiff suffered great physical pain, inconvenience, embarrassment, and mental anguish. Her overall health was impaired solely as result of defendants' negligence and careless disregard for the plaintiff's safety.

#### COUNT I

#### NEGLIGENCE OF THE DEFENDANTS

8. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs 1 through 7 above more fully set forth herein at length. The aforesaid incident occurred as a result of and was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendants, which consisted inter alia of the following particulars:
  - a. Breaching their duty of care towards the plaintiff by allowing a heavy suitcase to be stowed on the overhead compartment of the aircraft which could reasonably hurt the plaintiff if falling from the overhead as it happened causing serious physical harm to the Plaintiff;

- b. Failing to maintain the premises owned and/or managed by the Defendants in good and safe condition for the Plaintiff ;
  - c. Failing otherwise to comply with the applicable laws and regulations of the State of Massachusetts and the applicable Federal laws and regulations;
  - d. Otherwise failing to exercise the degree of care required under the circumstances; and
  - e. Otherwise being negligent.
9. As a result of the aforesaid conduct and breach of care of the Defendants, Plaintiff sustained the injuries, losses, and damages which were more fully described above, without any negligence of the Plaintiff contributing thereto.

WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of \$150,000 plus costs, prejudgment interest, post judgement interest, and any other costs this court deems appropriate.

Respectfully submitted,

S.Liliana Mangiafico, Esq,



416 Huntington Avenue,


Boston, MA 02115

Tel 617-721-0557

BBO # 652874

[Lmangiafico95@post.harvard.edu](mailto:Lmangiafico95@post.harvard.edu)



<b>CIVIL TRACKING ORDER</b> <b>(STANDING ORDER 1- 88)</b>	DOCKET NUMBER <b>2084CV00088</b> <i>a</i>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 
CASE NAME: Bair, Alma vs. Jetblue Airways Corporation		Michael Joseph Donovan, Clerk of Court
TO:		COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108

### TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

#### STAGES OF LITIGATION

#### DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/09/2020	
Response to the complaint filed (also see MRCP 12)		05/11/2020	
All motions under MRCP 12, 19, and 20	05/11/2020	06/08/2020	07/08/2020
All motions under MRCP 15	05/11/2020	06/08/2020	07/08/2020
All discovery requests and depositions served and non-expert depositions completed	11/05/2020		
All motions under MRCP 56	12/07/2020	01/04/2021	
Final pre-trial conference held and/or firm trial date set			05/04/2021
Case shall be resolved and judgment shall issue by			01/10/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED <b>01/10/2020</b>	ASSISTANT CLERK <b>Timothy C Walsh</b>	PHONE <b>(617)788-8121</b>
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